

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEMORE FULMORE,

Plaintiff,

v.

10-CV-1096
(GTS/CFH)

EUGENE RAIMO, JOHN SMITH and JEREMY
SAUNDERS,

Defendants.

SPECIAL VERDICT FORM

1. With respect to the Plaintiff's claim of the use of excessive force against him on or about July 3, 2009, did he prove, by a preponderance of the evidence, that any of the Defendants listed below used force against him maliciously and sadistically for the purpose of causing harm to him?

Defendant Raimo	YES	_____	NO	<u> X </u>
Defendant Smith	YES	_____	NO	<u> X </u>
Defendant Saunders	YES	_____	NO	<u> X </u>

If your answer to Question 1 is "NO" with regard to a particular Defendant, then you must render a verdict in favor of that Defendant on this claim. If your answer to Question 1 is "YES" with regard to a particular Defendant, then proceed to Question 2 with regard to that Defendant.

2. With respect to the Plaintiff's claim of the use of excessive force against him on or about July 3, 2009, did he prove, by a preponderance of the evidence, both that he suffered some injury, and that the use of force by one or more of the Defendants listed below was the proximate cause of that injury?

Defendant Raimo	YES	_____	NO	_____
Defendant Smith	YES	_____	NO	_____
Defendant Saunders	YES	_____	NO	_____

If your answer to Question 2 is "NO" with regard to a Defendant, then you must render a verdict in favor of that Defendant on this claim. If your answer to Question 2 is "YES" with regard to a Defendant, then proceed to Question 3 with regard to that Defendant.

3. With respect to the Plaintiff's claim of the use of excessive force against him on or about July 3, 2009, could a reasonable correctional official in the Defendant's situation have believed that his actions did not violate the Plaintiff's federal constitutional or statutory rights?

Defendant Raimo	YES	_____	NO	_____
Defendant Smith	YES	_____	NO	_____
Defendant Saunders	YES	_____	NO	_____

If your answer to Question 3 is "YES" with regard to a Defendant, then you must render a verdict in favor of that Defendant on this claim. If your answer to Question 3 is "NO" with regard to a Defendant, then your verdict must be in favor of the Plaintiff on this claim against that Defendant, and you should proceed to Question 4 with regard to that Defendant.

4. With respect to the Plaintiff's claim of the use of excessive force against him on or about July 3, 2009, if you find that Plaintiff has suffered actual damages, state the amount of damages to which he is entitled to recover in compensation for his injuries. If you find that Plaintiff did not suffer any actual damages, then you must award him nominal damages in an amount not to exceed \$1.00:

\$ _____

Regardless of how you have answered this question, as long as you have answered it, proceed to Question 5.

5. With respect to the Plaintiff's claim of the use of excessive force against him on or about July 3, 2009, if you have found that he is entitled to compensatory damages, do you also find that the Defendant or Defendants who unlawfully used excessive force against the Plaintiff was or were motivated by evil motive or intent or by reckless indifference to the constitutional rights of the Plaintiff, such that punitive damages should be assessed against that Defendant or those Defendants?

Defendant Raimo	YES	_____	NO	_____
Defendant Smith	YES	_____	NO	_____
Defendant Saunders	YES	_____	NO	_____

FOREPERSON, PLEASE DATE AND SIGN THE SPECIAL VERDICT FORM BELOW, AND NOTIFY THE MARSHAL THAT YOU HAVE REACHED A VERDICT.

Dated: June 26, 2013

Jury Foreperson: _____

**Foreperson name redacted